

I thank the men and women of the Rochester Fire Department for their bravery and hard work. It is truly an honor to serve them and all of the firefighters in our great state.●

TRIBUTE TO CINDY TAYLOR

● Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to Cindy Taylor upon the occasion of her being recognized as the Merrimack Chamber of Commerce 1999 Business Person of the Year. Cindy has faithfully served the chamber and its members for the past two years, and she has become an example for other volunteers to follow.

Her position with the Public Service Company of New Hampshire inspired Cindy to become involved with the chamber in 1998. She was almost immediately nominated as the ambassador at various chamber events. In 1999, Cindy became vice president of membership for the chamber. With Cindy at the helm, the committee increased its numbers by 20%. During this period, Cindy also co-chaired the annual banquet committee. This position required an extensive amount of effort in planning and executing the celebration. Cindy's participation in any project guarantees organization, dedication and quality. She is one whose input is valued on all projects, and who desires to hear the opinions of others. She is truly a team-player, and was subsequently nominated as Chamber President for the year 2000.

Cindy, it is a pleasure to represent such a valuable woman from New Hampshire in the United States Senate. Mary Jo and I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

TRIBUTE TO TERRY WHELOCK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Terry Wheelock upon the occasion of his receiving the Merrimack Chamber's Presidential Award. Terry has been with the Chamber for many years, and he has proven himself to be an integral asset. Terry has invested much effort, time, and dedication to chamber events and meetings. His love of the game of golf has aided the chamber through fund-raising tournaments. His personality fills the group with enthusiasm, and his talents constantly gain praise from his peers. His warmth and personality have been a constant positive influence for those around him. Mary Jo and I applaud his devotion and hard work for the Merrimack Chamber.

Terry, it is a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3822. An act to combat international oil price fixing.

The message also announced that the House has passed the following bill, without amendment:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3822. An act to combat international oil price fixing; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

The following bill, received previously from the House of Representatives for concurrence, was read twice and placed on the calendar:

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8129. A communication from the Acting General Counsel, Department of Defense transmitting, pursuant to law, a report of proposed legislation relative to appropriations and military personnel strengths for

fiscal year 2001; to the Committee on Armed Services.

EC-8130. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the event-based decision making for the F-22 aircraft program for FY 2000 and on event-based decisions planned FY 2001; to the Committee on Armed Services.

EC-8131. A communication from the Deputy Director, Defense Research and Engineering, Department of Defense transmitting, pursuant to law, the FY 1999 annual report of the Scientific Advisory Board of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-8132. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report entitled "Multi-Technology Automated Reader Card Demonstration Program-Smart Cards in the Department of the Navy"; to the Committee on Armed Services.

EC-8133. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the annual report on contingent liabilities under Title XII, Vessel War-Risk Insurance Program for 1999; to the Committee on Armed Services.

EC-8134. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Department's certification of employers' labor condition applications; to the Committee on the Judiciary.

EC-8135. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117-AA51), received March 21, 2000; to the Committee on the Judiciary.

EC-8136. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Irish Peace Process Cultural and Training Program" (RIN1115-AF51) (INS No. 2000-99), received March 22, 2000; to the Committee on the Judiciary.

EC-8137. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Temporary Exemption from Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products" (RIN1117-AA46), received March 21, 2000; to the Committee on the Judiciary.

EC-8138. A communication from the Assistant Attorney General, Legislative Affairs transmitting an analysis of proposed legislation regarding police powers for Inspector General Agents engaged in official duties; to the Committee on the Judiciary.

EC-8139. A communication from the Administrator, General Services Administration, transmitting a draft of proposed legislation relative to travel expense for Federal employees; to the Committee on Governmental Affairs.

EC-8140. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received March 21, 2000; to the Committee on Governmental Affairs.

EC-8141. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Change in the Survey Cycle for the Orleans, LA, Non-appropriated Fund Wage Area" (RIN3206-

AJ05), received March 22, 2000; to the Committee on Governmental Affairs.

EC-8142. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Agency Use of Appropriated Funds for Child Care Costs for Lower Income Federal Employees" (RIN3206-A193), received March 21, 2000; to the Committee on Governmental Affairs.

EC-8143. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1999-Crop Peanuts National Poundage Quota" (RIN0560-AF48), received March 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8144. A communication from the Inspector General, Department of Agriculture transmitting a report entitled "Office of Civil Rights Management of Employment Complaints"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8145. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Housing Act of 1949; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-442. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to an amendment to the Constitution regarding taxation; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, Separation of powers is fundamental to the United States' form of government; and

Whereas, Section eight, article one of the Constitution of the United States of America vests the Congress, the legislative branch of government, with the power to lay and collect taxes; and

Whereas, The duty and responsibility of the judiciary is to interpret law, not to create law; and

Whereas, Recent federal court decisions, including *Missouri v. Jenkins* of 1990, have resulted in the judicial branch levying taxes or increasing the amount of taxes imposed upon our citizenry to raise revenue sufficient to support various court orders or federal mandates; and

Whereas, These federal courts, through their mandates, have strayed from the provisions of the Constitution of the United States of America and the separation of powers doctrine and have intruded into the legitimate public policy making function of the states; and

Whereas, Taxation is and must remain the exclusive prerogative of elected representatives in the legislative branch of government, and not be subject to imposition by an appointed judiciary; and

Whereas, Numerous other states have petitioned the Congress of the United States to propose an amendment to the Constitution of the United States of America reiterating that the federal courts are prohibited from levying or increasing taxes without the representation of the people; and

Whereas, The Legislature of the State of West Virginia reaffirms in no uncertain terms that the power and authority to levy or increase taxes is and should continue to be retained by the citizens, who do delegate that power and authority explicitly to their duly elected representatives in the legisla-

tive branch of government, with such representatives being responsible and accountable to those who have elected them; therefore, be it

Resolved by the Legislature of West Virginia: That in accordance with the provisions of article five of the Constitution of the United States of America, the West Virginia Legislature hereby petitions the Congress of the United States to adopt an amendment to the Constitution of the United States of America, for submission to the states for ratification, a new article providing substantially as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and, be it

Further Resolved, That the West Virginia Legislature requests the Legislatures of the states who have not yet done so to make a similar petition to the Congress of the United States; and, be it

Further Resolved, That the Clerk of the house of Delegates is directed to send copies of this resolution to the presiding officers of both houses of the legislature in each of the other states in the union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, to the Vice president of the United States and to members of West Virginia's congressional delegation.

POM-443. A joint resolution adopted by the Legislature of the State of Washington relative to Migratory bird predation on salmonid stocks; to the Committee on environment and Public Works.

HOUSE JOINT MEMORIAL 4026

Whereas, The state of Washington has embarked on a major salmon recovery effort as reflected in significant legislation enacted in 1998 and 1999; and

Whereas, The state of Washington has formulated a state-wide strategy to recover salmon; and

Whereas, The state of Washington has spent and is prepared to spend millions of dollars to protect and restore salmon populations; and

Whereas, The state of Washington is aggressively pursuing salmon recovery through a comprehensive undertaking in partnerships with federal agencies, Indian tribal nations, local governments, nonprofit organizations, and others; and

Whereas, The national marine fisheries service has listed under the federal endangered species act a number of salmon species that live in evolutionarily significant units within Washington state; and

Whereas, Predation by certain migratory birds such as the Caspian Tern is widely viewed as a significant issue for recovery of listed fish species throughout Washington inland and coastal waters; and

Whereas, The federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., has proven ineffective in managing migratory bird predation on salmonids; and

Whereas, Washington's efforts toward salmon recovery, while addressing nearly all the factors that have led to the decline of salmon, cannot currently, because of federal law, effectively address predation by these migratory birds; and

Whereas, Public confidence and support of Washington's salmon recovery efforts will be diminished unless the interaction among migratory birds and salmonid populations is better understood and site-specific conflicts are addressed;

Now, Therefore, Your Memorialists respectfully pray that Congress pass legisla-

tion that amends the federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., to provide a more effective means to allow for the protection and restoration of salmonid populations.

Congress is further urged to:

(1) Fund joint federal and state research on migratory and resident predatory bird interactions with salmonids, especially site-specific investigations to determine the significance of migratory and resident bird predation on adult and juvenile salmonids for stock recovery, and to develop a cohesive conservation plan that balances protection of both migratory and resident birds and salmonids;

(2) Grant at least limited management authority for state and federal agencies to remove those migratory and resident birds preying on listed fish stocks at areas of restricted fish passage;

(3) Prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other geographic areas.

Be it Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the United States House of Representatives Committee on Resources, the United States Senate Committee on Commerce, Science, and Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-444. A resolution adopted by the Legislature of the State of Michigan relative to the low-income housing tax credit; to the Committee on Finance.

SENATE RESOLUTION NO. 138

Whereas, The Congress of the United States created the low-income housing tax credit as an incentive for developers and investors to provide affordable rental housing. Under this program, states are authorized to allocate federal tax credits in block grant form. The awarded tax credits may be taken annually for 10 years by developers and investors to offset federal taxes otherwise owed on their income; and

Whereas, Low-income families cannot afford to construct and rehabilitate apartments. The low-income housing tax credit program leverages about \$7 billion in investments each year and produces approximately 75,000 apartments. These apartments rent at prices affordable to low-income working families, the elderly, and people with special needs; and

Whereas, Low-income housing tax credit apartments help stabilize neighborhoods by improving housing quality and supply. They rent out quickly because the need for them is so much greater than the supply created under the present housing credit volume limit; and

Whereas, Despite rapid growth in the economy and in states' low-income housing needs, the present housing credit limit, \$1.25 per state resident, has not been adjusted for inflation since the program was created in 1986. Consequently, states are severely short-changed in their capacity to produce badly needed urban and rural low-income apartments. Every year, another 100,000 low-cost apartments, more than the housing credit replaces, are demolished, abandoned, or converted to market rate use; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to increase the cap on the low-income housing tax credit and index it in accordance with the Consumer Price Index; and be it further